

Attachment G

Arrest Warrant *In Rem*

pursuant to Rule G(3)(b)(ii) of the
Supplemental Rules for Admiralty or Maritime
Claims and Asset Forfeiture Action

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

- v. -

THE M/Y GALACTICA STAR, BEING A
65-METER MOTOR YACHT BUILT BY
HEESEN SHIPYARDS WITH
INTERNATIONAL MARITIME
ORGANIZATION NUMBER 9679830,
AND REGISTERED UNDER THE LAWS
AND FLAG OF THE CAYMAN ISLANDS
AT THE PORT OF GEORGE TOWN,
INCLUDING ALL FIXTURES,
FITTINGS, MANUALS, STOCKS,
STORES, INVENTORIES, AND EACH
LIFEBOAT, TENDER, AND OTHER
APPURTENANCE THERETO,
INCLUDING, BUT NOT LIMITED TO,
THE TENDER BOAT RECORDED AS A
7.5 METER DARIEL "GUEST TENDER"
WITH ID/SERIAL NO. DRLDT759G313,
AND ANY PROPERTY TRACEABLE
THERETO;

ALL RIGHTS AND INTERESTS HELD
BY ONE57 79 INC. IN THE REAL
PROPERTY LOCATED IN NEW YORK,
N.Y., COMMONLY KNOWN AS 157
WEST 57TH STREET, UNIT 79, NEW
YORK, N.Y. 10019, AND ANY
PROPERTY TRACEABLE THERETO,
INCLUDING ALL RIGHTS OR
INTERESTS HELD BY ONE57 79 INC. IN
ANY SURPLUS MONIES RESULTING
FROM A FORECLOSURE AUCTION OF
THE AFORESAID PROPERTY TO BE
HELD ON OR ABOUT JULY 19, 2017;

WARRANT OF ARREST IN REM

Civil No. _____

REAL PROPERTY LOCATED IN NEW
YORK, N.Y., COMMONLY KNOWN AS
1049 FIFTH AVENUE, UNITS 11B AND
12B, NEW YORK, N.Y. 10032, AND ALL
APPURTENANCES, IMPROVEMENTS,
AND ATTACHMENTS LOCATED
THEREON, AND ANY PROPERTY
TRACEABLE THERETO;

REAL PROPERTY LOCATED IN
MONTECITO, CALIF., COMMONLY
KNOWN AS 807 CIMA DEL MUNDO
ROAD, MONTECITO, CALIF. 90077,
AND ALL APPURTENANCES,
IMPROVEMENTS, AND
ATTACHMENTS LOCATED THEREON,
AND ANY PROPERTY TRACEABLE
THERETO;

REAL PROPERTY LOCATED IN
MONTECITO, CALIF., COMMONLY
KNOWN AS 815 CIMA DEL MUNDO
ROAD, MONTECITO, CALIF. 90077,
AND ALL APPURTENANCES,
IMPROVEMENTS, AND
ATTACHMENTS LOCATED THEREON,
AND ANY PROPERTY TRACEABLE
THERETO;

ALL RIGHTS AND INTERESTS HELD
BY RIVERMOUNT INTERNATIONAL
LTD., OR ITS AFFILIATES OR
ASSIGNEES, IN THE SUBORDINATED
CONVERTIBLE PROMISSORY NOTE
EXECUTED BETWEEN CROSS
HOLDINGS, INC., AND RIVERMOUNT
INTERNATIONAL LTD., DATED ON OR
ABOUT JULY 15, 2015, AS VARIED OR
AMENDED BY THE PARTIES
THERETO, AND ALL PROPERTY
TRACEABLE THERETO;

Defendants In Rem

TO: THE UNITED STATES FEDERAL BUREAU OF INVESTIGATION OR
ANY OTHER DULY AUTHORIZED LAW ENFORCEMENT OFFICER

WHEREAS, a Verified Complaint for Forfeiture *in Rem* (the “Complaint”) was filed on July 13, 2017, in the United States District Court for the Southern District of Texas, alleging that certain Defendants *in Rem* are subject to seizure and forfeiture to the United States, including the 157 West 57th Street Surplus Proceeds (the “Defendant Property” more fully described below), pursuant to 18 U.S.C. §§ 981(a)(1)(A) and 981(a)(1)(C); and

WHEREAS, it appearing from the Verified Complaint that, pursuant to a foreclosure action currently before the New York Supreme Court, the Defendant Property may be currently within that court’s *in rem* jurisdiction; and

The Court being satisfied that, based on the Verified Complaint for Forfeiture *in Rem*, there is probable cause to believe that the Defendant Property is subject to forfeiture to the United States.

YOU ARE, THEREFORE, HEREBY COMMANDED pursuant to the provisions of 18 U.S.C. § 981 and Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, to arrest the Defendant Property at such time as the New York Supreme Court relinquishes whatever jurisdiction it may have over the Defendant Property, directing the New York County Clerk to disburse the Defendant Property and to thereafter use discretion and whatever means appropriate to protect and maintain the said Defendant Property, as more fully described as:

any and all funds, proceeds, cash, or benefits to be disbursed or otherwise owing to One57 79 Inc., or to its successors or assigns, out of any surplus funds resulting from the foreclosure auction to be held on or about July 19, 2017, of real property located in New York, N.Y., and commonly known as 157 West 57th Street, Unit 79, New York, N.Y. 10019, as more fully described in Attachment A to the Complaint (hereinafter the “157 WEST 57TH STREET SURPLUS PROCEEDS”);

IT IS FURTHER ORDERED that upon receipt of the Defendant Property, the U.S. Marshals Service shall maintain custody until further order of the Court;

YOU ARE FURTHER COMMANDED, after execution of this process, to file a Return with the United States District Court for the Southern District of Texas.

ISSUED at Houston, Texas, this ____ day of _____ 2017.

DAVID J. BRADLEY, CLERK
United States District Court
Southern District of Texas

By:_____

APPROVED AND SO ORDERED:

_____ Dated: _____

NAME

United States District Judge

RETURN OF ARREST WARRANT IN REM:

<u>ARREST WARRANT SERVED ON:</u>	<u>COPY OF ARREST WARRANT LEFT AT:</u>
<u>SOUTHERN DISTRICT OF TEXAS CIVIL CAUSE NUMBER:</u>	<u>DATE AND TIME WARRANT EXECUTED:</u>

Amount Seized, if applicable: \$_____

CERTIFICATION:

I declare under penalty of perjury that this Return is true and correct.

Federal Agent's signature

Printed Name

Title